

## SPONSOR'S REBUTTAL TO FISCAL NOTE

---

**Bill Number:** HB 377

**Date prepared:** 2-10-2011

**Short title:** Revise laws to allow medication aides in nursing homes

**Sponsor:** Warburton, Wendy

**Fiscal Note Version and date:** February 9, 2011

---

**Generally, why do you disagree with the fiscal note?**

Expenditures are included which are not related to *requirements* of the legislation. Assumptions include activities/expenditures by DPHHS and DoLI which are not required by HB 377 but are rather choices those agencies are making.

---

**Specifically, what in the fiscal note do you feel is flawed?**

**Dept. Of Public Health and Human Services (DPHHS)**

General fund expenditures of \$26,208 in FY 2012 and of \$24,524 in FY 2013 are not *required* by any provisions of the legislation. No skilled nursing facility - including the Montana Developmental Center - is required to use medication aides or to change any positions.

While it is encouraging to see that DPHHS expects to save general funds of over \$100,000 for FY 2014 and 2015, the amounts shown for FY 2012 and FY 2013 are not required by the legislation. Incurring these costs would be a choice DPHHS could make but isn't required.

**Department of Labor and Industry (DoLI)**

Assumption #15 assumes that the board will send post cards to 20,000 board of nursing licensees and 10,307 certified nurse's aides as well as to the board's

interested parties list of 275 individuals. There is no *requirement* that the board do a direct mailing to the 20,000 licensees and 10,307 certified nurse's aides. There is a requirement to notify the 275 individuals on the interested parties list.

The cost of the 30,307 individuals for whom there is no requirement to give notice should not be included on the fiscal note. At the \$1 per person identified by the department, FY 2013 costs should be reduced by \$30,307.

All DoLI funds are state special revenue paid through licensing fees.

---

**What is your estimate of the fiscal impact?**

|  | <b>FY 2012<br/>Difference</b> | <b>FY 2013<br/>Difference</b> |
|--|-------------------------------|-------------------------------|
| <b>Expenditures:</b>                   |                               |                               |
| General fund                           | -0-                           | -0-                           |
| State Special Revenue                  | \$4,647                       | \$10,507                      |
| <b>Revenue:</b>                        |                               |                               |
| State Special Revenue                  | \$4,647                       | \$10,507                      |
| <b>Net Impact-General Fund Balance</b> | <b>-0-</b>                    | <b>-0-</b>                    |

Sponsor agrees with all other assumptions in the OBPP fiscal note except as indicated above.